

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 4, 1983

PRESENT:

Grant S. Nielson	Mayor
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT:

None

OTHERS PRESENT:

Vance Bishop	City Administrator
Warren Peterson	City Attorney
Thorpe Waddingham	City Attorney
John Quick	City Engineer
Dorothy Jeffery	City Recorder
Neil Forster	Public Works Superintendent
Ray Valdez	City Inspector
Steve Littlefield	Parks & Recreation Director
Sherri Terrell	Secretary
Newel Knight	Verdell Bishop
Steve Jackson	Bob Pendray
Jim Fletcher	

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council meeting held March 28, 1983 were discussed and corrected by the Council. Councilman Bennett **MOVED** and Councilman Bird **SECONDED** the motion to accept the minutes as corrected. The motion carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable to the Council Members. Councilman Bird **MOVED** and Councilman Dafoe **SECONDED** the motion to pay the current

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bills with the exceptions of the Manhole protection guide & nozzle...\$254.23 and the O Rings, Vortex Nozzle...\$111.24, which will be paid out of the funds for the Sewer Improvement Phase II.

DISCUSSION ON CREATION OF WEST MILLARD HOSPITAL DISTRICT

The Mayor recognized Mike Styler, County Commissioner, who introduce Steve Jackson, County Attorney, who has been working on the questions that have been raised concerning the hospital district. With the fact that the mill levy for the county is established in the first part of June all questions as to the district should be resolved by that time. It will take the county approximately thirty (30) days to do the paperwork and publications to reestablish the district. Mr. Jackson's recommendations were as follows:

1. Renegotiate contract with Intermountain Health Care. Delta City can be assured that the district cannot delegate too much authority to IHC because it is bound by the Social Services District Act.
2. Trust 101 Haggerty Trust will require more research and possible litigation to be filed. Mr. Jackson's recommendations on the trust are:
 - A. In the future no tax monies of the district will be paid to beneficiaries. Total payment to beneficiaries since 1965 is \$813,950.00. The Trust Fund 101 has paid \$418,492.00, and the hospital district has paid \$395,458.00.
 - B. Hire an attorney that specializes in areas that need more research to issues so there are no conflicts between the county and district. The issues that the specialists will be studying are as follows:
 - (1) How many tax dollars have gone to these beneficiaries and if that should be paid back to the hospital Trust 101?
 - (2) Does the trust need to comply with Utah State Money Management Act in making investments?
 - (3) Whether or not Trust 101 should be set aside? Is it a good thing for the hospital district? If not can the district set it aside and what would be the consequences of such action and could those consequences be very far reaching because of the approximate \$800,000.00 that has already been paid out.
 - (4) Should the district file legal action against the stockbroker to try to recover some monies that have been lost in the stock market. If the specialist comes back with the option that the district should have followed the State Money Management Act in their investments then it is possible that the district can recover

some of their losses. If the specialist advises us that the district cannot invest in the stock market that they must comply with the State Money Management Act then by-laws of the district must be revised.

- (5) If Trust 101 continues the trustee should be changed from someone other than the hospital board. A logical trustee could be the county treasurer.

The alternatives that the county is faced with are:

1. To reform the district with the cities included.
2. Turn hospital operations, ownership, management, and etc. over to Intermountain Health Care. The hospital district would no longer be in the hospital business. A problem with this option is health care costs would no doubt increase. The way the hospital is run now on the acute care side is a break even philosophy. They try to charge just what it costs to provide the services. IHC will not be able to do this. Health care would go up and extended care would be eliminated, as IHC does not operate extended care facilities.
3. A district could be reformed excluding any cities that don't want to join. Draw backs to that according to Blaine Carlton, a specialist on Special Services Districts, the district cannot invest in facilities outside the district boundaries. If Delta City were excluded from the hospital district it would be placed in a situation of owning a hospital outside that district.
4. Close hospital. Not be involved in the health care.

Mr. Jackson stated that the best that the county could do would be to give Delta City and other cities within the boundaries of West Millard Hospital District written assurance that the county will follow through on these recommendations to see that these problems are cleared up. They cannot be cleared up within a week or two.

City Attorney, Thorpe Waddingham, asked Mr. Jackson if he were going to submit his report in writing and if it would set forth the facts and conclusions that he found. Mr. Jackson answered "Definitely". Mr. Waddingham stated that the city and the county signed a resolution that was put in the paper that when the facts were obtained there would be a public meeting, that people would have the opportunity to come and listen to the reports. He thinks that the reasons for these proposed changes are equally important as the suggested changes themselves. There are three things that are assumed premises:

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(1) There is no question on the integrity or the earnestness or anything other than honorable attributes that you can attribute to the hospital board members. (2) Commissioner Styler has been very diligent and concerned and has carried out his part of an agreement that was the county's problem and the county should investigate and write a report. (3) The County Attorney has done an excellent job and has fulfilled his part of the obligation. The difficulty is that the findings that he has made and the reasons for his conclusions have not only not yet been made available to the public, but now the proposals says that there will not be any meetings at which that information will be made available unless and until the Delta City Council votes to become part of the district.

The Councilmen who have not had the opportunity to hear the County Attorney's explanation as to what has been found and the reasons for his recommendations should be aware that there are such explanation. Mr. Jackson stated that there will be public meetings after the district is formed. Public Hearings will be held on all of the issues; his finding and conclusions, and the recommendations of the specialist. Warren Peterson, City Attorney, stated that one of the things that should be included in Mr. Jackson's report is a review of the interaction of the beneficiary deposits in Trust 101. The way the beneficiaries are defined will also define how long Trust 101 will have to continue paying income benefits.

Mayor Nielson recommended to the Council that someone make the motion that we indicate that we will join the district subject to what Mr. Jackson has presented and that there be a public meeting.

Council Member Ruth Hansen made the MOTION that the Council will go on record that they will formally approve joining the hospital district upon receipt of the recommendation of the county as to how the questions concerning the past operations of the hospital are answered and make preparations for a public hearing. Also, that the County Commission will guarantee that they will diligently pursue all of these recommendations. The motion was SECONDED by Councilman Dafoe. The Mayor asked for a roll call vote.

Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Dafoe	Yea
Council Member Hansen	Yea
Councilman Morrison	Yea

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RECOMMENDATIONS FOR A PARKS AND RECREATION ADVISORY BOARD

City Parks and Recreation Director, Steve Littlefield, presented a draft for the Parks and Recreation Advisory Board content and function to the Council. The Council directed an ordinance be prepared creating a Parks & Recreation Advisory Board and make recommendations for potential member of the board to the Mayor.

REQUEST FOR A STREET ABANDONMENT AT 250 EAST 200 NORTH: ROD ODGEN AND JACK NELSON

Mr. Odgen gave the Council two letters, one from the school district, the other signed by himself and Mr. Nelson, which states that they were in favor of closing the subject road. Councilman Dafoe made the MOTION to prepare an ordinance to abandon the street at 250 East and 200 North. This portion of land would then be divided between the adjoining property owners, Rod Odgen and Jack Nelson. Council Member Hansen SECONDED the motion. Further discussion was that the property owners would provide a legal survey and pay the legal fees. The motion passed unanimously.

DISPOSITION OF 400 NORTH STREET, EAST OF 250 EAST: BOB PENDRAY

John Quick, City Engineer, showed maps of the area and voiced his concerns on the drain. This matter was discussed by the Council Members as to the relocation of the drain and the possibility of making 500 East Street a through street to the East of town. Councilman Morrison made the MOTION that the City Attorney proceed to vacate the subject street, with the land to be divided by adjoining property owners if all consent. The motion was SECONDED by Councilman Bennett. Warren Peterson stated that if all adjoining property owners consent, no public meeting will be required. The motion passed unanimously.

CONSTRUCTION STANDARDS FOR LARGE LOT SUBDIVISION

The Council discussed the necessity of sidewalks, curb and gutters, and paved streets for large lots. The way the proposed amendment is written it would allow the developer to research and present plans to the City for an exception. The ordinance would make it possible to make an exception in the case of large lots. The consensus of the Council was to require all street improvements as per the subdivision ordinance. This amendment to the ordinance was therefore rejected.

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REQUEST FOR ZONE CHANGE ON LOT 4, BLOCK 27 FROM R-2 TO A
MULTIPLE DWELLING ZONE

The subject matter was discussed and located on maps. A MOTION was made by Councilman Bennett for a Public Hearing to be held April 25, 1983 at 7:30 p.m. Councilman Dafoe SECONDED the motion, which carried unanimously.

OTHER BUSINESS

Jim Fletcher, City Businessman, questioned the legality of a construction company's large equipment and gravel piles being located near his business, KNAK, located at 74 South Center. Neil Forster, Public Works Superintendent, was directed to look into this.

Mr. Fletcher also inquired to the Utah State Sign Rules. He was informed by Mr. Forster that all business signs were being taken care of according to law.

Councilman Bird made the MOTION to adjourn. Councilman Bennett SECONDED the motion. The motion carried unanimously and the Mayor adjourned the meeting at 9:50 p.m.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 11, 1983

PRESENT:

Grant S. Nielson
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Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

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Council Member
Council Member
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